

Appln. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

Remarks

Applicant's attorney is pleased to note that the Office Action mailed October 10, 2003 indicates that Claims 21-23 and 34-37 contain allowable subject matter. By the foregoing amendments, Claim 21 has been rewritten in independent form to include all the features recited in its base claim (i.e., independent Claim 15) and its intervening claims (i.e., dependent Claims 18-20), while Claim 34 has been rewritten in independent form to include all the features recited in its base claim (i.e., independent Claim 31) and its intervening claims (i.e., dependent Claims 32 and 33). In drafting Claims 21 and 34, a minor change has been made to the original claim language in order to clarify that the outer casing includes the top molding. In the foregoing circumstances, it is respectfully submitted that amended independent Claims 21 and 34 are in condition for allowance.

With respect to Claims 16, 17, 22, 23, 25, and 30, they depend, either directly or indirectly, from amended independent Claim 21. Likewise, Claims 32 and 35-37 depend, either directly or indirectly, from amended independent Claim 34. In such circumstances, it is believed that Claims 16, 17, 22, 23, 25, 30, 32, and 35-37 are also in condition for allowance.

By the foregoing amendments, Claim 31 has been canceled, and new Claims 39-50 have been added to the present application. Claims 24, 26-28, and 38 have been withdrawn as a result of an earlier restriction requirement.

Appln. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

The Examiner rejected Claims 15, 16, 18-20, and 31 under 35 U.S.C. 102(b) as being anticipated by Cone U.S. Patent No. 4,598,946. Further, the Examiner rejected Claims 15, 16, 18, and 31-33 under 35 U.S.C. 102(b) as being anticipated by Ewers U.S. Patent No. 3,837,610. Claims 15-19, 25, and 31-33 have been rejected under 35 U.S.C. 102(a) as being anticipated by Cohen WO 90/14031. Also, Claim 30 has been separately rejected under 35 USC 103(a) as being unpatentable over each of the Cone, Ewers, and Cohen references.

The present invention, as claimed in amended independent Claim 15, relates to a mounting for a seat that includes an annular elastic member. The elastic member has an outer peripheral surface and a passageway extending through the elastic member in an axial direction so as to define an inner peripheral surface. The mounting also includes a core element positioned adjacent to and in contact with the inner peripheral surface of the elastic member. The core element has an **axial through-passage**. An outer casing is positioned adjacent to and in contact with the outer peripheral surface **along substantially the entire axial length** of the elastic member. As further recited in Claim 15, the outer casing has a shape which is **complementary** to the shape of the outer peripheral surface of the elastic member. This novel arrangement allows the seat to be flexibly positioned on the base of the chair in a stable manner.

It is respectfully submitted that the patents relied upon by the Examiner in the Office Action (i.e., the Cone, Ewers, and Cohen references), whether considered individually or in combination with one another, do not anticipate or make obvious the

Appln. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

present invention as recited in amended independent Claim 15. For instance, the Cone reference discloses a seat which includes a rubber ring and a base having an upper surface. The Examiner has taken the position that the rubber ring is equivalent to the elastic member of the present invention, and that the upper surface of the base is equivalent to the outer casing of the present invention. Whereas the upper surface of the base of the Cone reference only **tangentially** contacts the rubber ring, the outer casing of the present invention contacts the outer peripheral surface **along substantially the entire axial length** of the elastic member, which is now recited in amended Claim 15. The relative shapes of the elastic member and the outer casing further distinguish the present invention from the Cone reference. More particularly, the outer casing of the present invention has a shape which is **complementary** to the shape of the outer peripheral surface of the elastic member. As a result, the seat can be flexibly positioned on the base of the chair in a stable manner. In contrast, the shape of the upper surface of the base disclosed in the Cone reference is **not complementary** to the shape of the rubber ring.

Notwithstanding the foregoing distinctions, Claim 15 has amended in an effort to further distinguish the mounting recited therein from the seat disclosed in the Cone reference. More particularly, Claim 15 has been amended to clarify that the core element has an **axial through-passage**. In this manner, a push rod can be positioned in the **axial through-passage** of the core element. In contrast, the Cone reference includes a bolt, positioned within the rubber ring, which does **not have an axial through-passage**.

Appn. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

In view of the distinctions discussed above, the Cone reference fails to disclose the mounting recited in amended Claim 15. Accordingly, Applicant's attorney respectfully submits that the mounting recited in amended Claim 15 is patentably distinguishable from the seat disclosed in the Cone reference.

Turning now to the Ewers reference, a support for a playground apparatus is disclosed which includes four elongated rolls formed of rubber. The four rubber rolls of the Ewers reference are separated from each other and do not constitute an **annular** elastic member. The Ewers reference is also void of a passageway extending through the annular elastic member. Accordingly, the Ewers reference fails to disclose the mounting recited in amended Claim 15 (i.e., a mounting having an **annular** elastic member and a **passageway** extending therethrough). Applicant's attorney respectfully submits that the mounting recited in amended Claim 15 is patentably distinguishable from the support disclosed in the Ewers reference.

The Cohen reference discloses a swivel chair with a ball member, which the Examiner equates to the annular elastic member recited in amended Claim 15. The Cohen reference does not disclose or suggest that the ball member is **elastic**. The Cohen reference also discloses a hoop, which the Examiner equates to the outer casing of the present invention. Whereas the hoop of the Cohen reference contacts the ball member **partially** along the length thereof, the outer casing of the present invention contacts the outer peripheral surface **along substantially the entire axial length** of the elastic member, as recited in amended Claim 15. Accordingly, the Cohen reference fails to disclose the mounting recited in amended Claim 15. In view of the distinctions

Appln. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

discussed above, Applicant's attorney respectfully submits that the mounting recited in amended Claim 15 is patentably distinguishable from the chair disclosed in the Cohen reference.

In the foregoing circumstances, amended independent Claim 15 is believed to be in condition for allowance. With respect to Claims 18 and 19, they depend, either directly or indirectly, from amended independent Claim 15. In such circumstances, it is believed that these claims are also in condition for allowance.

Turning now to amended independent Claim 20, which relates to a mounting for a seat, it is noted that, by the foregoing amendments, Claim 20 includes the features of previously presented Claims 15, 16 and 18-20. More particularly, the mounting recited in amended Claim 20 includes an annular elastic member having a passageway extending therethrough, a core element having an axial through-passage, and an outer casing having a top molding and a bottom cup part in which the elastic member is seated. None of the cited references discloses or suggests an outer casing which includes a top molding and a bottom cup part in which the elastic member is seated, as called for in amended Claim 20. Further, the Cone reference fails to disclose a core element having an **axial through-passage** as discussed above. In addition, the Ewers reference does not disclose or suggest the **annular** elastic member and the **passageway** recited in Claim 20, while the Cohen reference does not disclose or suggest the **annular elastic** member recited in Claim 20 as discussed in detail above. In such circumstances, amended independent Claim 20 is patentably distinguishable over the cited references for the reasons discussed above. Accordingly,

Appln. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

it is respectfully submitted that Claim 20 is believed to be in condition for allowance, along with all of the claims depending therefrom (i.e., Claims 39-45).

Amended independent Claim 33 relates to a chair which includes a seat and an underframe connected to the seat. The chair also includes a mounting arranged on a central column of the underframe. The mounting includes an annular elastic member having an outer peripheral surface and a passageway extending through the elastic member so as to define an inner peripheral surface. As further recited in Claim 33, the mounting includes a core element positioned adjacent to and in contact with the inner peripheral surface of the elastic member, and an outer casing positioned adjacent to and in contact with the outer peripheral surface of the elastic member.

It is respectfully submitted that the patents relied upon by the Examiner in the Office Action (i.e., the Cone, Ewers, and Cohen references), whether considered individually or in combination with one another, do not anticipate or make obvious the present invention as recited in amended independent Claim 33. For instance, the Cone reference fails to disclose an underframe which includes a central column, and a mounting arranged on the central column. The Ewers reference does not disclose or suggest the **annular elastic member** and the **passageway** recited in Claim 33, while the Cohen reference does not disclose or suggest the **annular elastic member** recited in Claim 33 for the reasons discussed above. In such circumstances, amended independent Claim 33 is patentably distinguishable over the cited references.

Appln. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

Accordingly, it is respectfully submitted that Claim 33 is believed to be in condition for allowance, along with all of the claims depending therefrom (i.e., Claims 46-50).

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of Claims 15-23, 25, 29, 30, and 32-37, and examination and allowance of new Claims 39-50. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

A fee of \$216 is believed to be due to cover the twelve additional claims submitted by way of this Amendment and a fee of \$172 is believed to be due to cover the two excess independent claims. The Examiner is hereby authorized to charge the \$216 fee and the \$172 fee to Deposit Account No. 501402. Enclosed is a Petition for a two-month extension of time to and including March 10, 2004, for which a \$420 fee is due. The Petition authorizes the Examiner to charge this \$420 fee to Deposit Account No. 501402. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 501402.

Respectfully Submitted,
McCarter & English


By: Sanjiv M. Chokshi
Reg. No. 44,080

McCarter & English
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
(973) 848-5368

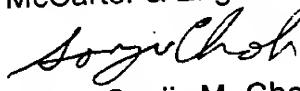
Appn. No. 09/975,620
Amdt. dated March 9, 2004
Reply to Office Action mailed October 10, 2003

Accordingly, it is respectfully submitted that Claim 33 is believed to be in condition for allowance, along with all of the claims depending therefrom (i.e., Claims 46-50).

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of Claims 15-23, 25, 29, 30, and 32-37, and examination and allowance of new Claims 39-50. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

A fee of \$216 is believed to be due to cover the twelve additional claims submitted by way of this Amendment and a fee of \$172 is believed to be due to cover the two excess independent claims. The Examiner is hereby authorized to charge the \$216 fee and the \$172 fee to Deposit Account No. 501402. Enclosed is a Petition for a two-month extension of time to and including March 10, 2004, for which a \$420 fee is due. The Petition authorizes the Examiner to charge this \$420 fee to Deposit Account No. 501402. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 501402.

Respectfully Submitted,
McCarter & English


By: Sanjiv M. Chokshi
Reg. No. 44,080

McCarter & English
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
(973) 848-5368